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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,335	11/06/2000	Mark Ryan	W2100/197718	9472

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JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

EXAMINER

LE, KHANH H

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 05/22/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,335

Applicant(s)

RYAN ET AL.

Examiner

Khanh H. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☒ Claim(s) 45-47 and 51-55 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: ____

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Detailed Action

1. Claims 1-64 are now pending. Claims 1, 11, 16, 25, 33, 38, 44, 48, 62 are independent.

Examiner's Note

2. The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all references passages as potentially teaching all or part of the claimed inventions.

Claims Objections

3. Claims 45-47 refers to "commands" of claim 43. It seems "claim 44 is meant. Please correct.

Claims 51-55 should be "gathering the modular units". Please correct.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 54 and 56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The claims are grammatically incomprehensible. Thus no prior art meaningfully can be applied to these claims.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 5-10, 25-34, 48-56, 57-61, 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burfeind et al. US 6360172 , hereinafter Burfeind.

As to claims 1, 25, 33 , Burfeind discloses:

1. A method of delivering targeted data over a network to a consumer's device, comprising:

tagging data to weather conditions so that a first set of data associated with one weather condition differs from a second set of data associated with a second weather condition;

receiving weather data relating to current weather conditions at a plurality of geographic locations; (Fig 3, especially items 310 , 320; Figs 6-9 and associated texts)

determining a geographic location associated with the consumer's device (see at least abstract: , “ preferences...including activities, geographic locations of the activities, ...” identifies destination devices”, ...” modes of delivery”; Fig 10 and associated text);

determining current weather conditions associated with the geographic location of the consumer's device;

selecting targeted data based on the current weather conditions for the consumer's device; and transmitting the targeted data for receipt by the consumer's device (see at least abstract)

Claim 25 substantially parallels claim 1,: adds the Internet (Burfeind, “*Furthermore, computer 110 can be communicatively connected to the Internet via a communication device 128*”), requests (implied in Burfeind) and preferences (abstract) .

Claim 33 is broader than claim 25 thus rejected on the same basis.

(As to claims 16, 25, 27, 33, 42, 58, Burfeind discloses communications over the Internet.)

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As to claims 5-6, determining the geographic location of the consumer's device comprising determining the geographic location and from information available at the consumer's device or from information available through the network is known. Thus it would have been obvious to one skilled in the art at the time of the invention to add that known feature to Burfeind in order to provide the local weather-related information to mobile users, as at least suggested by Burfeind (pagers, PDA's).

As to claims 7-10, Burfeind discloses the consumer's device comprises a computer, a hand-held device, a mobile radiotelephone, a TV product (see at least abstract).

As to claims 26 –32, 34 (dependent on claim 25), Official Notice is taken the following facts are known:

obtaining consumer data based on :

- receiving the consumer data from the consumers.
- detecting consumer behavior on the Internet.
- obtaining consumer profiles.
- obtaining keys (interpreted as profiles per Applicants' specifications) on the consumers.
- retrieving profiles for the consumers issuing the requests
- applying rules to the consumer data and selecting the weather information based on results of applying of rules.
- classifying consumers interests with regard to weather and selecting weather information based on the consumers' weather interests
-

Further selecting personalized information being selecting advertisements targeted to the consumers' interests is also known.

Therefore it would have been obvious to one skilled in the art at the time of the invention to add those well-known targeting techniques to provide personalized information in the weather information environment taught by Burfeind.

48. A method of providing weather information over a network to consumers, comprising:

receiving weather data from at least one weather data feed;
parsing the weather data from the weather data feed and tagging the parsed weather data with a plurality of tags according to a set of defined parsing rules;
storing the tagged and parsed weather data in modular units;
selectively gathering the modular units of tagged and parsed weather data based on the tags and according to a set of business rules;
assembling the selected modular units of tagged and parsed weather data for

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presentation and for delivery to the consumers; and
transmitting the assembled and selected modular units of tagged and parsed weather data over the network to the consumers.

Claim 48 substantially parallels claim 1 except for the parsing, modular storage, assembling of data for transmittal and presentation. These techniques are known and it would have been obvious to one skilled in the art at the time of the invention to use such technique in addition to Burfeind's teachings to add flexibility to the system.

As to claims 49-56 , (dependent on claim 48), Official Notice is taken the following facts are known:

receiving weather data from a plurality of data feeds.
storing the tagged and parsed weather data in a common document model.
Selectively gathering modular unit based on attributes of each consumer.
selectively gathering by gathering modular units based on a geographic location of the consumer.
selectively gathering by gathering modular units based on weather conditions near the consumer.
selectively gathering by gathering modular units based on a co-brand relationship with another entity.

Thus it would have been obvious to one skilled in the art at the time of the invention to add there modular tagging and parsing methods to the Burfeind system to add flexibility to the system.

The additional limitation of claim 57 parallels that of claim 25 or 33 and is rejected on the same basis.

As to claims 58-61 , Official Notice is taken that the following facts are known.

transmitting data

- over the Internet.
- over a cable television network.
- over a wireless network.
- over more than one network.

Thus transmitting the assembled and selected modular units of tagged and parsed weather over those well-known communication media would have been obvious to one skilled in the art at the time of the invention to effect Burfeind's teachings.

62. A method of allowing a consumer to customize delivery of weather information over the Internet, comprising:
allowing the consumer to identify specific types of weather information desired by the consumer;

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enabling the consumer to specify an arrangement of the desired weather information; identifying a consumer's device for receiving the desired weather information;
storing consumer's preferences as to the types of weather information, arrangement of weather information, and consumer's device;
receiving a request from the consumer for weather information; identifying the consumer making the request;
retrieving the consumer's preferences in response to the consumer's request; retrieving weather information in accordance with the consumer's request and consumer's preferences; and
transmitting the weather information to the consumer's device.

Claim 62 substantially parallels claim 1, 25 or 33 and is disclosed by Burfeind.

As to claims 63-64 , Official Notice is taken that the following facts are known.

- identifying of the consumer's device by receiving input from the consumer as to what device should receive the weather information (see Burfeind) .
- using cookies to identify the consumer.

Thus it would have been obvious to one skilled in the art at the time of the invention to add these well-known features to effect identification of the consumer as is well known in the art.

8.Claims 2-4, 11-12, 36, 38-43, 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burfeind in view of Rowe et al, US Pub No. US 2001/0003846, hereinafter Rowe.

Claim 2.

Rowe discloses tagging advertisements to the weather conditions and transmitting advertising targeted to the weather conditions for the consumer's device (see at least paragraph [0029], [0083]). Thus it would have been obvious to one skilled in the art at the time of the invention to add that teaching of Rowe to Burfeinds' weather information teachings to sell at appropriate times.

Claims 11 and 12 parallel claims 1 and 2 and are rejected on same basis.

As to claims 3, 36, 38-43 Rowe discloses recommendations.

Claim 3. The method as set forth in claim 1, wherein the tagging of the data comprises
tagging recommendations to the weather conditions and the transmitting comprises
transmitting recommendations (paragraphs [0093] [0073]: "advisories" ...) targeted to the weather conditions for the consumer's device.

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Claim 38 substantially parallels claim 3 with the addition of triggerable conditions which is disclosed by Rowe at [0072] to [0073] : severe weather, warnings, etc...

As to claims 39-42 , official Notice is taken that the following facts are known:

- 39. monitoring comprises monitoring the weather conditions for severe weather conditions (Rowe at [0072] to [0073]).
- 40. selecting recommendations based on the weather conditions, geographic location, and consumer.
- 41. identifying comprises identifying consumers based on their interests.
- 42. transmitting the recommendations over the Internet.
- 43. enabling consumers to define the triggerable conditions.

Thus it would have been obvious to one skilled in the art at the time of the invention to add these known facts to the system of Burfeind and Rowe to make the recommendations more relevant.

As for claims 4, 37, 44-47 Rowe discloses electronically issuing commands to control devices (see at least [0058]) . Thus it would have been obvious to one skilled in the art at the time of the invention to include tagging commands to the weather conditions and transmitting commands targeted to the weather conditions for the consumer's device since both Burfeind and Rowe address the subject of providing information tied to weather conditions.

Claim 44 substantially parallels claim 4 with the addition of triggerable conditions which is disclosed by Rowe at [0072] to [0073] : severe weather, warnings, etc...

As to claims 45-47, Official Notice is taken that the following facts are known:

- 45. monitoring being detecting when the weather conditions exceed threshold conditions.
- 46. identifying the consumer devices based on the weather conditions.
- 47. enabling consumers to select devices to receive the commands ; enabling consumers to define circumstances under which the commands are issued.

It would have been obvious to one skilled in the art at the time of the invention to add those features to the system of Burfeind and Rowe to make the commands relevant to the weather situation.

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9. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burfeind in view of Rowe as applied to claim 11 and further in view of Gershmenn et al, US 6356905, hereinafter Gershmenn.

As to 13 (dependent on claim 11) Gershmenn discloses the associating further comprises tagging advertisements to geographic regions and wherein the selecting comprises selecting the desired advertisement based on the geographic location of the consumer's device (see at least abstract)

Rowe discloses claim 14 (dep. on claim 13), wherein selecting the desired advertisement comprises selecting an advertisement targeted to the current weather condition (see at least [0029] [0083]) **for the consumer's device** and which is tagged to a **smallest geographic** region that encompasses the geographic location of the consumer's device.

As to 15. Ads are related to goods or services therefore tagging advertisements related to goods or services to weather conditions is obvious.

10. Claims 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burfeind in view of well-known On line Associate and Affiliate Programs methods and principles.

Claim 16. A method of delivering weather information by a first entity at a first Internet site in partner relationships with a plurality of other entities, comprising: receiving a request for weather information at the first site, the request originating from a consumer; determining if one of the partner relationships is triggered by the request; if the request does trigger one of the partner relationships, transmitting a first set of information to the consumer, the first set of information including the weather information and is delivered in accordance with rules defined by the partner relationship with one of the entities; if the request does not trigger one of the partner relationships, then sending a second set of information to the consumer, the second set of information including the weather information and an identifier of the first entity; wherein the partner relationships have different rules for defining how weather information is delivered whereby a first request associated with one partner relationship is fulfilled with content that is different from a second request associated with a second partner relationship.

As to claims 17-24, the additional features are known features in on-line associate and affiliate programs and therefore it would have been obvious to one skilled in the art at the time of the invention to add those features to the teachings of Burfeind in an on-line associate and affiliate programs in order to implement the on-line associate and affiliate programs in the environment taught by Burfeind.

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Conclusion

11. Prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kelly et al, US 6498987 discloses personalized weather reports

Jones et al, US 6542825 B2 discloses real-time site specific weather information distribution system and method.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh H. Le whose telephone number is 703-305-0571. The Examiner works a part-time schedule and can normally be reached on Tuesday-Thursday 9:00-6:00.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Eric Stamber can be reached on 703-305-8469. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113

May 17, 2003

KHL



See chain for AWS

STEPHEN GRAVINI
PRIMARY EXAMINER